CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A/350/1316/2017   Date of Order: 26.03.2018

Coram : Hon'ble Manjula Das, Judicial Member
        Hon'ble Dr. (Ms.) Nandita Chatterjee, Administrative Member

<u>Shri Bhabasindhu Das</u>, son of Late Bhusan Chandra Das, aged about 74 years, residing at 16B, Muktapukur (Beltala), P.O Talpukur, Kolkata – 700123, West Bengal, retired as an Assistant Engineer (Civil), under the Garrision Engineer, Ranchi.

---Applicant

Versus

1. Union of India, through the Secretary,
   Ministry of Defence, Ayudh Bhawan,
   Block, New Delhi – 110011

2. The Engineer in Chief, Director General
   (Personnel) / E 1 (Dpc 1) Integrated Head Quarter,
   Ministry of Defence, Kashmir House,
   New Delhi – 110011

3. The Central Record officer, Delhi Cantt. 10,
   Pin 900106, C/o 56 APO

4. The Chief Engineer,
    HQ, Eastern Command, Engineer Branch,
    Fort William, Kolkata – 700021.

5. The Garrison Engineer (MES)
   Ranchi, 7 Club Road, Ranchi – 834001.

6. The Principal CDA (Pension)
   Allahabad, Pin – 211014.

----Respondents

For the Applicant(s)   : Mr. A. Majumdar, Counsel

For the Respondent(s)   : None

O R D E R(Oral)

<u>Per Mrs. Manjula Das, Member (J):</u>

    The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

" 1. To direct the Respondents to grant and pay fixation for 2nd ACP benefit in the pay scale of Rs. 10,000 – 15,200 with effect from 09.08.1999 in paying pension benefits to be calculated under 7th CPC.

2. To direct the Respondents for grant and pay arrears of pay on enhanced rate in view of the correct method of pension calculation in view of the currently prevailing 7th CPC just as elaborately stated and elucidated by the Applicant in his annexure herewith as correct Statement of Accounts in terms of Pension calculation in his favour.

3. Any order and /orders as this Hon'ble Tribunal may think fit and proper for the ends of justice."

2. Mr. A. Majumder, ld. counsel appears for the applicant. None for the respondents.

3. We have heard the ld. counsel for the applicant and perused the pleadings and materials placed on record.

4. It appears from the record that the applicant vide order dated 03.11.2016, was directed by the Garrison Engineer, Ranchi to forward the photocopy of the Saving Bank Pass Book from the date of his retirement dated 30.11.08 till that date, to the Garrison Engineer, Military Engineering Service, Ranchi immediately for further necessary action for pensionary purpose. It is submitted by the ld. counsel for the applicant that the applicant has not yet completed the formalities as requested by the Department.

5. We are of the view that it is a premature case. Therefore, without going into the merits of this O.A, we consider it fit to dispose of this O.A by giving liberty to the applicant to approach the authorities by filing a representation ventilating his grievances therein and directing the respondent authorities to dispose of the same within a specific time frame.

6.   Accordingly liberty is given to the applicant to approach the respondent authority concerned by filing a detailed representation ventilating his grievances therein within a period of 15 days from the date of receipt of this order. If such representation is filed by the applicant within the said period, the competent respondent authority shall consider the same and pass a reasoned and speaking order as per the extant rules and regulations governing the field within a period of one month from the date of receipt of this order. After such consideration, if the applicant is found entitled to get the benefits, such benefits shall be extended to him

within a further period of 2 months from the date of taking a decision in the matter.

7. Once again it is made clear that we have not gone into the merits of the O.A. and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per the extant rules.

8.   With the above observations, the O.A is disposed of. No costs.

(Dr. Nandita Chatterjee)   (Manjula Das)
        Member (A)   Member (J)

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